

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN LEE FOSTER,

Plaintiff,

v.

WILLIAM B. SHUBB, et al.,

Defendants.

No. 2:25-cv-1755 DAD CSK P

ORDER

Plaintiff is a county prisoner, proceeding without counsel, with this civil rights action pursuant to 42 U.S.C. §1983. For the following reasons, the findings and recommendations filed August 1, 2025 recommending dismissal of this action are vacated.

On August 1, 2025, this Court recommended that this action be dismissed based on plaintiff's failure to file a completed in forma pauperis affidavit and a certified copy of his jail trust account statement. (ECF No. 4.) On August 11, 2025, plaintiff filed objections to the findings and recommendations.¹ (*Id.*) Because plaintiff's objections reflect that plaintiff is not abandoning the instant action, the August 1, 2025 findings and recommendations are vacated.

¹ Named as a defendant in this action is the Honorable William B. Shubb. (ECF No. 1.) In his objections, plaintiff argues that venue is not proper because this action is assigned to Judge Shubb. (ECF No. 5.) This action was initially assigned to Judge Shubb. However, on August 13, 2025, Judge Shubb recused himself from this action and the Honorable Dale A. Drozd was assigned to this action. (ECF No. 6.) Because Judge Shubb is no longer assigned to this action, plaintiff's concerns regarding this action being assigned to Judge Shubb have been addressed.

1 Plaintiff is granted one final opportunity to file a completed in forma pauperis affidavit and a
2 certified copy of his jail trust account statement.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 1, 2025 (ECF No. 4) are vacated; and
5 2. Plaintiff is granted thirty days from the date of this order to file a completed in forma
6 pauperis affidavit and a certified copy of his jail trust account statement; failure to comply
7 with this order will result in a recommendation of dismissal of this action.

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9 Dated: August 18, 2025

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11 CHI SOO KIM
12 UNITED STATES MAGISTRATE JUDGE
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